THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.19199 of 2006

Between:

B.Ramachandram.

.. PETITIONER

and

The Government of Andhra Pradesh and others.

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RESPONDENTS

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ORDER:

It is the case of the petitioner that the husband of the 4th respondent died on 08-06-2006. In fact, during his life time, he obtained loan from the petitioner by mortgaging the title deeds pertaining to the immovable property of the 4th respondent and her husband. In fact, contrary to the conditions of the loan agreement, they intend to transfer the said mortgaged property in favour of a third party. Therefore, the petitioner filed a suit O.S.No.28 of 2004 on the file of Senior Civil Judge, Asifabad in Adilabad District and obtained the order of attachment. Even after order of the attachment, the said property was disposed of by the 4th respondent and her husband illegally and without any unregistered document. It is stated that at the instance of the 4th respondent, the 3rd respondent threatened the petitioner to settle the civil dispute with the 4th respondent otherwise he will be implicated in a false criminal case. Accordingly, he sent two constables to his house without any justification whatsoever and insisted him to come to the police station. It is stated that the 3rd respondent also harassed the wife of the petitioner and his family members to settle the civil dispute.

A counter has been filed by the 3rd respondent stating that he never interfered with the personal life and liberty of the petitioner and he never harassed him to settle the civil dispute with the 4th respondent. The allegation that the police harassed the petitioner and his family members to settle the civil dispute has been denied stating that the police never intend to settle the civil dispute pending between the petitioner and the 4th respondent. It is stated that as the husband of the 4th respondent

committed suicide, the 4th respondent lodged a complaint making certain allegations against the petitioner. Based on which, a case in Cr.No.97 of 2006 was registered under Section 174 Cr.P.C. on 08-06-2006 and the investigation has been taken up.

If a police officer is proceeding under Section 174 Cr.P.C., requires any person for the purpose of investigation, he may issue summon by order requiring person to appear. But, without issuing any such summon by order under Section 175 Cr.P.C., the police cannot ask the petitioner to come to the police station.

However, as the allegations made against the official respondents have been denied, I am of the opinion that no orders need be passed in this writ petition. However, the 3rd respondent is directed not to interfere with the civil dispute of the petitioner. But, however, if the petitioner is required in respect of proceeding in the criminal case registered under Section 174 Cr.P.C., it always open to the respondents to issue summon by order under Section 175 Cr.P.C., and take appropriate action in accordance with law.

With the above observation, the writ petition is dismissed. There shall be no order as to costs.

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04-06-2007

Prv